

1PW/1617

PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/547,501
Filing Date	APRIL 12, 2000
First Named Inventor	CHRISTIAN
Art Unit	1617
Examiner Name	SHAOJIA A. JIANG

Total Number of Pages in This Submission

11

Attorney Docket Number

IMI-002

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

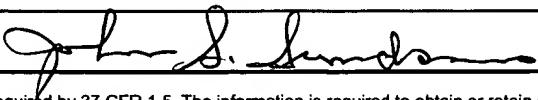
Response to Notice of Non-Compliant Amendment: Preliminary Amendment in RCE; No Fee is Required

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BioMedPatent John S. Sundsmo, Ph.D., 34,446
Signature	
Date	September 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	JOHN S. SUNDSMO, PH.D., 34,446
Signature	
	Date September 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christian

Agent Docket No. IMI-002

Serial No: 09/547,501

Group Art Unit: 1617

Filed: April 12, 2000

Examiner: Shaojia A. Jiang

Title: NOVEL PHARMACEUTICAL AGENTS CONTAINING CARBOHYDRATE MOIETIES AND METHODS OF THEIR
PREPARATION AND USE

RESPONSE TO NOTICE OF NON-COMPLIANT PRELIMINARY AMENDMENT

Vista, California 92085

September 23, 2004

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Applicant considers the enclosed response to be properly made and seeks instruction if this is not the case.

Request for Extension of Time August 26, 2004: The pending Office Action ("Action") carried a mailing date of February 26, 2004 setting a 3 month period for response expiring May 26, 2004, i.e., extendible under 37 C.F.R. § 1.136(a). Applicant requested on August 26, 2004 that the statutory period for response be extended by 3 months to expire on August 26, 2004 and enclosed the requisite fee and Form SB22.

Documents Transmitted August 26, 2004: The following documents were transmitted on August 26, 2004: (a) a Request for Continued Examination properly made with fee; (b) an Amendment to the Claims and Specification with Replacement Sheets 51, 51A-D; (c) Response to the Paper dated February 26, 2004; and, requisite fees; and, (d) a Supplemental Information Disclosure Statement to address issues raised in the Action. The documents are considered to be a bona fide attempt to fulfill the requirements of a Request for Continued Examination.

Supplemental Documents Transmitted on September 2, 2004: A courtesy copy of Likhosherstov et al. and Supplemental response were transmitted on September 2, 2004.

Notice of Non-Compliant Amendment dated September 9, 2004: The Amendment to the claims being considered by the Administrative Branch to be improper for including Cancelled claims, the Notice setting a One Month period for response in the case of a non-compliant Preliminary Amendment, and a bone fide attempt being made to fulfill the requirements of the Request for Continued Examination, Applicant now submits within the allowed time period for response a revised set of claims removing the Cancelled claims. A bona fide attempt having been made to fulfill the RCE, the Amendment included therewith considered to a Preliminary Amendment, Response being made within the one month period for response, no fee is required.